

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHEL PAYNE,)	
)	
Plaintiff,)	8:05CV131
)	
vs.)	ORDER
)	
DOUGLAS COUNTY, NEBRASKA,)	
)	
Defendant.)	

This matter is before the court on the motion and amended motion of Andrew M. Ferguson to withdraw as counsel for the plaintiff (Filing Nos. 39 and 40). Mr. Ferguson states he and his client have reached an impasse about how to proceed with this matter making it impossible for current counsel to represent the plaintiff. However, no new counsel has made an appearance on behalf of the plaintiff. The certificate of service for the motion reflects it was served on Mr. Payne. Therefore, the plaintiff shall have an opportunity to respond to the motion and/or obtain substitute counsel. Upon consideration,

IT IS ORDERED:

1. The amended motion filed by Andrew M. Ferguson to withdraw as counsel for Michel Payne (Filing No. 40) is held in abeyance. The motion to withdraw (Filing No. 39) is denied as moot.

2. The plaintiff Michel A. Payne shall have to **on or before February 28, 2007**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted. If the motion to withdraw is granted and substitute counsel has not entered an appearance, the plaintiff Michel A. Payne will be considered proceeding *pro se* and counsel for the defendant may communicate with the claimant directly regarding this case.

3. Under the circumstances, the plaintiff shall have an extension of time to respond to the defendant's Motion for Summary Judgment **until March 30, 2007**.

4. The Clerk of Court shall send a copy of this order to Mr. Payne at:

Michel Payne
2866 Binney Street
Omaha, NE 68111

DATED this 31st day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge